

DISPOSITION: January 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7335. Adulteration of Supermelk. U. S. v. 195 Bags of Supermelk. Product ordered released under bond. (F. D. C. No. 13408. Sample No. 63727-F.)

LIBEL FILED: August 29, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about April 29, 1944, from Chicago, Ill.

PRODUCT: 195 95-pound bags of Supermelk, at Charlotte, N. C., in possession of Select Foods, Inc.

The product was stored under insanitary conditions after shipment; some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination of samples showed that the article contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 9, 1944. Select Foods, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering the release of the product under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

7336. Adulteration and misbranding of B-Nutron Syrup. U. S. v. 50 Bottles, 29 Bottles and 21 Bottles of B-Nutron Syrup. Default decree of condemnation and destruction. (F. D. C. No. 14467. Sample No. 75764-F.)

LIBEL FILED: November 13, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about July 27, 1944, by the Nion Corporation, from Los Angeles, Calif.

PRODUCT: 50 4-ounce bottles, 29 8-ounce bottles, and 21 1-pint bottles of B-Nutron Syrup, at Buffalo, N. Y.

Examination showed that the article contained not more than 365 U. S. P. units of vitamin B₁ per 5 cc.

LABEL, IN PART: "B-Nutron Syrup Nion."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement, "Each teaspoonful (5 cc.) contains Thiamine Chloride (B₁) 500 U. S. P. XII Units," was false since the article contained a lesser amount of vitamin B₁.

DISPOSITION: December 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7337. Misbranding of Bean-O-Bar. U. S. v. 30 Boxes of Bean-O-Bar. Default decree of condemnation and destruction. (F. D. C. No. 12416. Sample No. 52497-F.)

LIBEL FILED: May 24, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 19, 1944, by Robert H. Haskins & Son, from Esmond, R. I.

PRODUCT: 30 boxes, each containing 24 1½-ounce bars, of Bean-O-Bar.

LABEL, IN PART: "Bean-O-Bar * * * Low in Carbohydrates for restricted diets. * * * Ingredients: Cocoa Powder, Cocoa Butter, Roasted Soy Yelkin, Sucrose."

VIOLATIONS CHARGED: Misbranding, Section 403 (j), (1) the article was represented as a food for special dietary uses by man by reason of its use as a means of regulating the intake of carbohydrates for the purpose of dietary management with respect to disease (diabetes), but its label failed to bear, as required by the regulations, the percent by weight of protein, fat, and available carbohydrates in the article, and the number of available calories supplied by a specified quantity; (2) the article was represented as a food for special dietary uses by man by reason of the presence therein of a constituent (saccharin) which is not utilized in normal metabolism, but its label failed to bear, as required by the regulations, the statement, "Contains...saccharin [or "saccharin salt," as the case may be], a non-nutritive artificial

sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food; and (3) it was represented as a food for special dietary uses by man by reason of its vitamins B, G, A, D, and E content, and its phosphorus, calcium, and potassium content, but its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B₁, G, A, and D, and of the minerals calcium and phosphorus, supplied by the food when consumed in a specified quantity during a period of 1 day, a statement of the quantity of vitamin E and potassium in a specified quantity of the food, and, since the need in human nutrition for vitamin E has not been established, a statement to that effect.

Further misbranding, Section 403 (a), the statement "16.8 grams of butter fat," which appeared on the label, was false and misleading since the article did not contain butter fat; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: July 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7338. Misbranding of "Beawun" Vitamin B₁ Tablets. U. S. v. 708 Envelopes of Beawun Vitamin B₁ Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11218. Sample No. 42584-F.)

LABEL FILED: December 9, 1943, in the Western District of Washington.

ALLEGED SHIPMENT: On or about May 18, 1943, by the American Nutrition Co., from Chicago, Ill.

PRODUCT: 708 envelopes, each containing 25 tablets, of the above-named product.

Examination disclosed that the article contained approximately one milligram of vitamin B₁ per tablet, and that it was packaged in an envelope which could easily accommodate ten times as many tablets.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements appearing in the labeling of the article which represented and suggested that it was efficacious to prevent and correct fatigue, flabby digestive muscles, constipation, neuritis, beriberi, polyneuritis, flatulence, dyspepsia, headaches, lack of stamina, a "run-down" feeling, delirium tremens, poor appetite, and subnormal growth; and that nutrition surveys show that the average child and adult in the United States does not receive enough thiamine (vitamin B₁) for the highest state of health, were false and misleading since use of the article would not be of value in preventing or correcting the various symptoms, conditions, and diseases named and suggested, and nutrition surveys do not show that the average child and adult receives inadequate amounts of vitamin B₁ (thiamine).

Further misbranding, Section 403 (a), the following statements appearing on the label of the article, (envelope) "* * * contains the full minimum adult daily requirements as set up by the U. S. Food and Drug Department. 25 Beawun tablets are equal in potency of Vitamin B₁ to 438 full size hen eggs—that's over 36 dozen, or 71 Quarts of fresh pasteurized milk, or 46 Lbs Lean Top Round Beef, or 69 lbs. Light Meat Chicken, or 15 Loaves of 100% Unfortified Wheat Bread, or 1040 Raw average common apples or 297 Medium Sized Bananas," were misleading since the statements created the impression that adequate amounts of vitamin B₁ could not be obtained from common foods; that the article possessed all of the nutritional value of the quantities of the foods named; and that the U. S. Food and Drug Administration recommends or endorses the use of a dietary supplement in order to supply the adult minimum daily requirement of one milligram of vitamin B₁, whereas adequate amounts of vitamin B₁ can be obtained from common foods, the article did not possess all of the nutritional value of the quantities of food named, and the U. S. Food and Drug Administration does not recommend or endorse the use of a dietary supplement to supply the adult minimum daily requirement of vitamin B₁; and, Section 403 (d), the container of the article was so filled as to be misleading since the envelope containing the article was large enough to hold many more tablets.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1242.

DISPOSITION: January 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.